

**Hearing Date:** November 13, 2017 at 1:30 p.m. (Atlantic Standard Time)

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

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: PROMESA  
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: Case No. 17-BK-3283 (LTS)  
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: Adv. Proc. No. 17-BK-4780  
: (LTS)  
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: **Court Filing Relates Only to**  
: **PREPA and Shall Only be Filed**  
: **in Case No. 17-BK-4780 (LTS)**  
: **and Main Case 17-BK-3283**  
: **(LTS)**

**SECOND INFORMATIVE MOTION REGARDING NOVEMBER 13, 2017 HEARING  
ON CREDITORS' COMMITTEE'S BANKRUPTCY RULE 2004 MOTION**

The Debtors in these title III cases, along with each Debtor's respective title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566(LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747)

To the Honorable United States Magistrate Judge Judith G. Dein:

1. The Official Committee of Unsecured Creditors of all title III debtors (other than COFINA) (the “Committee”) respectfully files this informative motion notifying the court of the ongoing discussions concerning a consensual resolution of the *Amended<sup>2</sup> Urgent Motion of Official Committee of Unsecured Creditors for Order, Under 11 U.S.C. § 1103 and Bankruptcy Rule 2004, Authorizing Discovery With Respect to PREPA Engagement of Whitefish Energy Holdings, LLC and Urgent Request for Hearing* [Docket No. 409 in PREPA Docket] (the “Motion”).

2. On November 7, 2017, the Committee and the Puerto Rico Electric Power Authority (“PREPA”) filed a *Notice of Consent of Puerto Rico Electric Power Authority to Creditors’ Committee’s Bankruptcy Rule 2004 Motion* [PREPA Docket No. 404] in which PREPA acknowledged the Committee’s authority to conduct discovery and agreed to produce materials to the Committee.

3. Subsequently, on November 10, 2017, the Committee and Whitefish Energy Holdings, LLC (“Whitefish”) filed a *Stipulation and Consent Order Between Whitefish Energy Holdings, LLC and Official Committee of Unsecured Creditors Regarding Amended Urgent Motion of Official Committee of Unsecured Creditors for Order, Under 11 U.S.C. § 1103 and Bankruptcy Rule 2004, Authorizing Discovery With Respect to PREPA Engagement of Whitefish Energy Holdings, LLC Dated November 7, 2017* [PREPA Docket No. 441] in which Whitefish likewise acknowledged the Committee’s authority to conduct discovery and agreed to produce materials to the Committee.

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<sup>2</sup> As mentioned in the Motion, the amendment incorporated the denial by Mr. Elias Sánchez Sifonte of certain allegations contained in paragraph 20 of the original filing. [See Docket No. 364 in Case No. 17-BK-4780-LTS and Docket No. 1567 in Case No. 17-BK-3283 (LTS)].

4. The Committee is currently in discussions with the parties who have recently filed joinders to the Committee's Motion (the "Joinder Parties"),<sup>3</sup> with the aim of memorializing a consensual global stipulation among Whitefish, PREPA, and these Joinder Parties regarding the production and sharing of materials. The Committee hopes that an agreement will be reached shortly, in advance of the hearing.

5. Accordingly, the Committee requests the court's guidance as to whether the hearing currently scheduled for November 13, 2017 should proceed. The Committee is fully prepared to appear at this hearing, but simply wishes to inform the court of the current status of discussions.

*[Remainder of page intentionally left blank]*

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<sup>3</sup> At this time, joinders have been filed by Ambac Assurance Corporation ("Ambac"), the Ad Hoc Group of PREPA Bondholders (the "Ad Hoc Group"), National Public Finance Guarantee Corporation ("National"), Assured Guaranty Corp. and Assured Guaranty Municipal Corp. (f/k/a Financial Security Assurance Inc.) (together, "Assured"), and U.S. Bank National Association, solely in its capacity as successor trustee (the "PREPA Bond Trustee") under the Trust Agreement dated as of January 1, 1974, between it and PREPA (collectively, the "Joinder Parties").

Dated: November 10, 2017  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Luc. A. Despins

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- and -

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